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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,021

12/13/2001

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NAK1-BQ58

2418

21611

7590

09/08/2006

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EXAMINER

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ART UNIT

PAPER NUMBER

2137

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/023,021	FUKAMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Pyzocha	2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. Claims 1-34 are pending.
2. Amendment filed 08/02/2006 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 11, 12, 15, 17-19, 21-29, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose (US 5917915) in view of Akiyama (US 6463155) and further in view of Colligan (US 6415031).

As per claims 1, 22, 26 and 31, Hirose teaches a method, a program, a recording medium and a reception apparatus which receives and reproduces scrambled content, comprising: reception means for receiving the scrambled content, wherein the scrambled content is scrambled so that a predetermined unit of scrambled content, which is a portion of the scrambled content, is

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descrambled using a descrambling key corresponding to the predetermined unit of scrambled content, and at least one pièce of storage information in which a list of descrambling keys including all descrambling keys to be used for descrambling the scrambled content is embedded; (Col. 3, lines 2-14) storage means for storing the received scrambled content and the storage information; (Col. 3, lines 34-38) List extraction means for extracting the List of descrambling keys from the stored storage information; (Col. 3, Line 39; read means is interpreted as List extraction means; the interpretation is given based on the similarity of the functionality of the read means and the List extraction means; descramble processing means for (a) extracting the predetermined unit of scrambled content from the stored scrambled content, (Col. 10, Lines 17-26) either sequentially if in the normal reproduction mode or in an order different from the normal reproduction mode if in the particular mode. (Col. 3, Lines 52-61) (b) extracting a descrambling key corresponding to the predetermined unit of scrambled content from the extracted List, (Col. 3, lines 40-43) and (c) descrambling the extracted predetermined unit of scrambled content using the extracted descrambling key; and reproduction means for reproducing the predetermined unit of descrambled content in the descrambled order. (Col. 3, Lines 43-45)

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Hirose does not explicitly disclose descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode with two groups of descrambling keys and the use of a fast forward and play modes where the play mode is descrambled sequentially and the fast forward mode descrambles the content in a different order.

Akiyama in analogous art, however, discloses descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode with two groups of descrambling keys (Col. 27, Line 4-Col. 28, Lines 33; Col. 30, Lines 40-43; Col. 41, Lines 37-39; Col. 8 lines 49-53) and Colligan teaches the use of the specific different modes. (Col. 11 lines 9-57)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose to include descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the

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predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Akiyama (Abstract) in order to allow conditional access while maintaining the safety Level. This way, a controlling system is provided whether or not to give a decryption key to the decryption unit according to access condition in the contract and as suggested by Colligan (Col. 11 lines 9-57) in order to provide different levels of security.

As per claim 2: Hirose, Akiyama, and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a reception apparatus wherein the reception means receives one piece of storage information in which the List of descrambling keys is embedded, (Col. 3, Lines 2-14) the storage means stores the received scrambled content and the one piece of storage information, (Col. 10, Lines 17-26) and the List extraction means extracts the List of descrambling keys from the stored one piece of storage information. (Col. 3, Lines 39-43)

As per claim 3: Hirose, Akiyama, and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a reception apparatus wherein the reception means receives a plurality of pieces of storage information in each

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piece of which a divided portion of the List of descrambling keys is embedded, (Figure 6, item 8) the storage means stores the received scrambled content and the plurality of pieces of storage information, (Col. 10, Lines 17-26) and the list extraction means extracts the List of descrambling keys from the stored plurality of pieces of storage information. (Col. 3, lines 39-43)

As per claim 11: Hirose, Akiyama and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a reception apparatus managing contract information and consisting of a security module whose portion does not effectively function if a contract has not been made, and other modules, the reception apparatus further comprising: List holding means for holding the List extracted by the List extraction means, (Figure 11, item 101 and 111) wherein the List extraction means and the List holding means are provided within the security module. (Figure 11, item 101 and 111)

As per claims 12, 23, 27 and 32: Hirose teaches a method, a program, a recording medium and a reception apparatus which receives and reproduces scrambled content, comprising: reception means for receiving the scrambled content, wherein the scrambled content is scrambled so that a predetermined unit of scrambled content, which is a portion of the scrambled content, is

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descrambled using a descrambling key corresponding to the predetermined unit of scrambled content, and a descrambling key is attached to each predetermined unit of scrambled content; (Col. 3, Lines 2-14) storage means for storing the received scrambled content; (Col. 3, Lines 34-38) List generation means for, when/after storing the received scrambled content by the storage means, generating a List of descrambling keys including all descrambling keys to be used for descrambling the scrambled content, based on the descrambling key attached to each predetermined unit of scrambled content; (Col. 3, Line 39) descramble processing means for (a) extracting the predetermined unit of scrambled content from the stored scrambled content, (Col. 10, Lines 17-26) either sequentially if in a normal reproduction mode or in an order different from the normal reproduction mode if in a particular mode, (Col. 3, Lines 52-61) (b) extracting a descrambling key corresponding to the extracted predetermined unit of scrambled content from the generated List, (Col. 3, Lines 40-43) and (c) descrambling the extracted predetermined unit of scrambled content using the extracted descrambling key; (Col. 43-45) and reproduction means for reproducing the predetermined unit of descrambled content in the descrambled order. (Col. 7, lines 66-67 and Col. 8, Lines 1-6)



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Hirose does not explicitly disclose descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode wherein the modes are a fast forward mode and play mode.

Akiyama in analogous art, however, discloses descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode (Col. 27, Line 57-Col. 28, Lines 33; Col. 30, Lines 40-43; Col. 41, Lines 37-39) and Colligan teaches the use of the specific different modes. (Col. 11 lines 9-57)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose to include descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as

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suggested by, Akiyama (Abstract) in order to allow conditional access while maintaining the safety Level. This way, a controlling system is provided whether or not to give a decryption key to the decryption unit according to access condition in the contract and as suggested by Colligan (Col. 11 lines 9-57) in order to provide different levels of security.

As per claims 15, 24, 28, and 33: Hirose teaches a method, a program, a recording medium and a broadcast apparatus which scrambles content and broadcasts the scrambled content to a reception apparatus, the broadcast apparatus comprising: acquisition means for acquiring content to be scrambled and a plurality of descrambling keys; (Col. 2, Lines 50-57\*, Col. 5, Lines 14-17 and Lines 39-40) scramble processing means for scrambling a predetermined unit of content out of the acquired content so that the predetermined unit of scrambled content is descrambled using a descrambling key different for each predetermined unit or each set of a plurality of predetermined units; (Col. 2, Lines 61-67', Col. 5, Lines 19-23) attaching means for attaching auxiliary information to the predetermined unit of scrambled content, the auxiliary information consisting of (a) information for identifying the scrambled content (Col. 5, Line 67) and (b) a descrambling key corresponding to the content, and used for having the reception apparatus generate a

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list of the descrambling keys; (Col. 5, lines 65-66) and broadcast means for broadcasting the scrambled content to which the auxiliary information is added. (Figure 1, item 4., Col. 2, Lines 23-24)

Hirose does not explicitly disclose descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode (play mode) and a particular production mode (fast forward mode).

Akiyama is analogous art, however, discloses descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode (Co. 27, line 57-Col. 28, lines 33; Col. 30, Lines 40-43; Col. 41, Lines 37-39) and Colligan teaches the use of the specific different modes. (Col. 11 lines 9-57)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose to include descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the

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predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Akiyama (Abstract) in order to allow conditional access while maintaining the safety level. This way, a controlling system is provided whether or not to give a decryption key to the decryption unit according to access condition in the contract and as suggested by Colligan (Col. 11 lines 9-57) in order to provide different levels of security.

As per claims 17, 25, 29 and 34: Hirose teaches a method, a program, a recording medium and a broadcast apparatus which scrambles content and broadcasts the scrambled content to a reception apparatus, the broadcast apparatus comprising: acquisition means for acquiring content to be scrambled and a plurality of descrambling keys; (Col. 2, lines 50-57; Col. 5, Lines 14-17 and Lines 39-40) List generation means for generating a list of the descrambling keys including the descrambling keys; (Col. 5, Lines 18-19) embedding means for embedding the List in at least one piece of predetermined information to generate at least one piece of storage information; (Col. 5, Lines 20-23) scramble processing means for scrambling a predetermined unit of content out of the acquired

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content so that the predetermined unit of scrambled content is descrambled using a descrambling key different for each predetermined unit or each set of a plurality of predetermined units; (Col. 2, Lines 61-67; Col. 5, Lines 19-23) and broadcast means for broadcasting the generated storage information and the scrambled content. (Figure 1, item 4; Col. 2, Lines 23-24)

Hirose does not explicitly disclose descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode (play mode) and a particular production mode (fast forward mode).

Akiyama is analogous art, however, discloses descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode (Col. 27, line 57-Col. 28, lines 33; Col. 30, Lines 40-43; Col. 41, Lines 37-39) and Colligan teaches the use of the specific different modes. (Col. 11 lines 9-57)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose to include descrambling

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key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Akiyama (Abstract) in order to allow conditional access while maintaining the safety level. This way, a controlling system is provided whether or not to give a decryption key to the decryption unit according to access condition in the contract and as suggested by Colligan (Col. 11 lines 9-57) in order to provide different levels of security.

As per claim 18: Hirose, Akiyama, and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a broadcast apparatus wherein the embedding means embeds the List of descrambling keys in one piece of predetermined information to generate one piece of storage information, and the broadcasting means broadcasts the generated one piece of information and the scrambled content. (Col. 5, Lines 20-34 and Lines 43-46)

As per claim 19: Hirose, Akiyama, and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a broadcast apparatus wherein the embedding

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means embeds a divided portion of the List of descrambling keys in each of a plurality of pieces of predetermined information to generate a plurality of pieces of storage information, and the broadcasting means broadcasts the generated plurality of pieces of storage information and the scrambled content. (Col. 5, Lines 20-34 and Lines 43-46)

As per claim 21: Hirose, Akiyama, and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a broadcast apparatus wherein the broadcast means broadcasts one set of the storage information while all the scrambled content corresponding to the storage information is broadcast once. (Col. 14, Lines 65-67 and Col. 15, Lines 1-5)

5. Claims 4, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose, Akiyama, and Colligan as applied to claims 1 and 12 above, and further in view of Morinaga (US 6792000).

As per claim 4: Hirose, Akiyama and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a reception apparatus wherein the reception means sequentially receives a transport stream (TS) packet including the predetermined unit of scrambled content, (Col. 3, Lines 2-14, Hirose) the storage means sequentially stores the received TS packet, (Col. 3, Lines 34- 38, Hirose) wherein the descramble

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processing means includes: scrambled content extraction means for extracting the predetermined unit of scrambled content from one of the TS packets stored in the storage means, and counting the ordinal position of the TS packet from the leading TS packet; (Col. 10, lines 43-45 Hirose) descrambling key extraction means for extracting a descrambling key from the List of descrambling key, based on the counted ordinal position; (Col. 3, Lines 40-43, Hirose) and descrambling means for descrambling the extracted predetermined unit of scrambled content using the extracted descrambling key. (Col. 10, Lines 43-45, Hirose)

The references do not explicitly disclose sequentially receiving and storing a transport stream packet (TS) packet; and extracting the predetermined unit of scrambled content from one of the TS packets stored in the storage means, and counting the ordinal position of the TS packet from the leading TS packet. Morinaga et al. in analogous art, however, disclose receiving and storing a transport stream packet (TS) packet; (Col. 4, Lines 13-31, Morinaga) and extracting the predetermined unit of scrambled content from one of the TS packets stored in the storage means, and counting the ordinal position of the TS packet from the leading TS packet. (Col. 1, Lines 39-57, Morinaga)



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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose, Akiyama, and Colligan to include sequentially receiving and storing a transport stream packet (TS) packet; and extracting the predetermined unit of scrambled content from one of the TS packets stored in the storage means, and counting the ordinal position of the TS packet from the leading TS packet. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Morinaga et al. (Col. 1, Lines 12-13) in order to have a system capable of simultaneous recoding and reproducing of broadcast program.

As per claim 8: Hirose, Akiyama and Colligan teach all the subject matter as discussed above. In addition Hirose further discloses a reception apparatus wherein the reception means sequentially receives a TS packet including (a) the predetermined unit of scrambled content (Col. 3, Lines 2-14, Hirose) and the storage means sequentially stores the received Ts packet (col. 3, Lines 34- 38, Hirose), wherein the descramble processing means includes: scrambled content extraction means for extracting the predetermined unit of scrambled content and the packet specifying information from one of the TS packets stored in the storage means; (Col. 10, Lines 43-45, Hirose)

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descrambling key extraction means for extracting a descrambling key from the List of descrambling key, based on the extracted packet specifying information; (Col. 3, Lines 40-43, Hirose) and descrambling means for descrambling the extracted predetermined unit of scrambled content using the extracted descrambling key. (Col. 10, Lines 43-45, Hirose)

The references do not explicitly disclose a packet specifying information for specifying an unscrambled TS packet', sequentially receiving and storing a transport stream packet (TS) packet; and extracting the predetermined unit of scrambled content from one of the TS packets stored in the storage means, and counting the ordinal position of the TS packet from the leading TS packet.

Morinaga et al. is analogous ad, however, disclose a packet specifying information for specifying an unscrambled TS packet; (Col. 6, Lines 19-33, Morinaga) receiving and storing a transport stream packet (TS) packet; (Col. 4, Lines 13-31, Morinaga) and extracting the predetermined unit of scrambled content from one of the TS packets stored in the storage means, and counting the ordinal position of the TS packet from the leading TS packet. (Col. 1, Lines 39-57, Morinaga)

The rational for combining the above references is the same as claim 4 above.

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As per claim 13: Hirose, Akiyama and Colligan teach all the subject matter as discussed above. In addition, Hirose further discloses a reception apparatus wherein the reception means for receiving (a) the predetermined unit of scrambled content, and (b) auxiliary information including a descrambling key and information for associating the descrambling key with scrambled content, (Col. 3, Lines 2-14, Hirose) the storage means sequentially stores the received TS packet, (Col. 3, Lines 34-38, Hirose) and the list generation means generates the List of descrambling key, based on the auxiliary information. (Col. 3, line 39)

The references do not explicitly disclose sequentially receiving and storing a transport stream packet (TS) packet.

Morinaga et al. in analogous art, however, disclose receiving and storing a transport stream packet (TS) packet. (Col. 4, Lines 13-31, Morinaga)

The rational for combining the above references is the same as claim 4 above.

6. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose, Akiyama, Colligan and Morinaga as applied to claim 8 above, and further in view of Kahn (US 6853728).

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As per claim 9: Hirose, Akiyama, Colligan and Morinaga et al. teach all the subject matter as discussed above. In addition, Hirose further disclose a reception apparatus wherein the descrambling key extraction means performs a predetermined operation to the extracted information as the packet identifying information to generate a descrambling key identifier, and extracts a descrambling key from the List of descrambling key based on the descrambling key identifier. (Col. 3, Lines 40-43 and Col. 10, Lines 43-45, Hirose)

In addition Morinaga et al. further disclose receiving and storing a transport stream packet (TS) packet; (Col. 4, Lines 13-31, Morinaga) and extracting the predetermined unit of scrambled content from one of the TS packets stored in the storage means, and counting the ordinal position of the TS packet from the leading TS packet. (Col. 1, Lines 39-57, Morinaga)

Neither of the references explicitly disclose the packet specifying information is one of Continuity Counter (CC), the number of TS packets, a cumulative amount of data, a relative reproduction time, and a scrambling key identifier, the scrambled content extraction means extracts, as the packet specifying information, one of the Continuity Counter (CC), the

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number of TS packets, the cumulative amount of data, the relative reproduction time, and the scrambling key identifier.

Kahn et al. in analogous art, however, discloses the packet specifying information is one of Continuity Counter (CC), the number of TS packets, a cumulative amount of data, a relative reproduction time, and a scrambling key identifier, (Col. 6, Lines 30-46, Kahn) the scrambled content extraction means extracts, as the packet specifying information, one of the Continuity Counter (CC), the number of TS packets, the cumulative amount of data, the relative reproduction time, and the scrambling key identifier, (Col. 6, lines 30-46)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose, Akiyama, Colligan and Morinaga et al. to include the packet specifying information is one of Continuity Counter (CC), the number of TS packets, a cumulative amount of data, a relative reproduction time, and a scrambling key identifier; and the scrambled content extraction means extracts, as the packet specifying information, one of the Continuity Counter (CC), the number of TS packets, the cumulative amount of data, the relative reproduction time, and the scrambling key identifier. This modification would have been obvious because a person having ordinary skill in the art would

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have been motivated to do so, as suggested by, Kahn et al. (Col. 6, Lines 26-27) in order to resemble the packets to regenerate the program material.

7. Claims 5-7, 14, 16, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose, Akiyama, Colligan and Morinaga as applied to claims 4, 8 and 12 above, and further in view of Sato (US 6219422).

As per claim 5: Hirose, Akiyama, and Colligan teach all the subject matter as disclosed above. Both references do not explicitly disclose a reception apparatus wherein the reception means receives at least one storage Entitlement Control Message (ECM) as the at least one piece of storage information, the List of descrambling key being embedded in a portion to be encoded in the main body of the ECM, the storage means stores the received storage ECMS, and the List extraction means interprets the stored storage ECMS to extract the List of descrambling key.

Sato in analogous art, however, discloses a reception means receives at Least one storage Entitlement Control Message (ECM) as the at Least one piece of storage information, the List being embedded in a portion to be encoded in the main body of the ECM, the storage means stores the received storage ECMS, and the List extraction means interprets the stored storage ECMS to extract the list. (Col. 8, lines 17-27, Sato)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose and Akiyama to include a reception means receives at Least one storage Entitlement Control Message (ECM) as the at Least one piece of storage information, the List being embedded in a portion to be encoded in the main body of the ECM, the storage means stores the received storage ECMS, and the List extraction means interprets the stored storage ECMS to extract the List. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Sato (Col. 4, Lines 39-42) in order to decrypt the information data which was selectively reproduced, so that deterioration of the reliability of the conditional access can be prevented.

As per claim 6: Hirose, Akiyama, Colligan and Sato teach all the subject matter as disclosed above. In addition, Sato further discloses a reception apparatus wherein the reception means receives the storage ECMS including identifying information for distinguishing the storage ECMS from another type of ECM. (Col. 8, lines 23-27, Sato)

As per claim 7: Hirose, Akiyama and Sato teach all the subject matter as disclosed above. In addition, Sato further

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discloses a reception apparatus wherein the reception means receives the storage ECMS at a time. (Col. 7, Lines 30-37, Sato)

As per claim 14: Hirose, Akiyama, and Colligan teach all the subject matter as disclosed above. The references do not explicitly disclose a reception apparatus wherein the TS packet includes an ECM, the auxiliary information being embedded in a portion to be encoded in a main body of the ECM, and the List generation means extracts the auxiliary information embedded in the ECM, and generates the List of descrambling key based on the auxiliary information.

Sato in analogous art, however, disclose a reception apparatus wherein the TS packet includes an ECM, the auxiliary information being embedded in a portion to be encoded in a main body of the ECM, and the List generation means extracts the auxiliary information embedded in the ECM, and generates the List based on the auxiliary information. (Col. 8, lines 17-27, Sato)

The rationale for combining the above references is the same as claim 5 above.

As per claim 16: Hirose, Akiyama and Colligan teach all the subject matter as disclosed above. The references do not explicitly disclose a broadcast apparatus wherein the attaching means embeds the auxiliary information in a portion to be



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encoded in a main body of an ECM and attaches the ECM to the predetermined unit of scrambled content.

Sato in analogous art, however, disclose a broadcast apparatus wherein the attaching means embeds the auxiliary information in a portion to be encoded in a main body of an ECM and attaches the ECM to the predetermined unit of scrambled content. (Col. 7, Lines 1-3, Sato) The rationale for combining the above references is the same as claim 5 above.

As per claim 20: Hirose, Akiyama and Colligan teach all the subject matter as disclosed above. The references do not explicitly disclose a broadcast apparatus wherein the embedding means embeds the List of descrambling key in a portion to be encoded in a main body of at Least one ECM to generate at Least one piece of storage information. Sato in analogous art, however, disclose a broadcast apparatus wherein the embedding means embeds the list in a portion to be encoded in a main body of at least one ECM to generate at Least one piece of storage information. (Col. 7, Lines 1-3, Sato) The rationale for combining the above references is the same as claim 5 above.

As per claim 30: Hirose teach a computer-readable recording medium on which content to be broadcast to a reception apparatus is recorded, wherein the reception apparatus receives and stores scrambled content, and descrambles and reproduces the stored

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scrambled content, the content comprising: scrambled content which is scrambled so that a predetermined unit of scrambled content, which is a portion of the scrambled content, is descrambled using a descrambling key corresponding to the predetermined unit of content. (Col. 2, Lines 61- 67; Col. 5, Lines 19-23, Hirose)

Hirose does not explicitly disclose a storage ECM, wherein a List of descrambling key including all descrambling keys used for descrambling the scrambled content is embedded in a portion to be encoded in a main body of at least one ECM; and key specifying information for specifying a descrambling key. Sato in analogous art, however, disclose a storage ECM, wherein a List including all descrambling keys used for descrambling the scrambled content is embedded in a portion to be encoded in a main body of at Least one ECM. (Col. 7, Lines 1-3, Sato)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose and Akiyama to include a reception means receives at Least one storage Entitlement Control Message (ECM) as the at Least one piece of storage information, the List being embedded in a portion to be encoded in the main body of the ECM, the storage means stores the received storage ECMS, and the List extraction means interprets

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the stored storage ECMS to extract the List. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Sato (Col. 4, Lines 39-42) in order to decrypt the information data which was selectively reproduced, so that deterioration of the reliability of the conditional access can be prevented.

Both references do not explicitly disclose descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode.

Akiyama is analogous art, however, discloses descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode. (Col. 27, line 57-CoI. 28, Lines 33; Col. 30, Lines 40-43\*, Col. 41, Lines 37-39)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose and Sato to include descrambling key identifiers that identify the descrambling keys respectively and are used to identify a descrambling key

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corresponding to the predetermined unit of scrambled content in both a normal reproduction mode and a particular production mode. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Akiyama (Abstract) in order to allow conditional access while maintaining the safety level. This way, a controlling system is provided whether or not to give a decryption key to the decryption unit according to access condition in the contract.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose, Akiyama, Colligan and Morinaga et al. as applied above, and further in view of Ando (US 20030133699).

As per claim 10: Hirose, Akiyama, Colligan and Morinaga et al. teach all the subject matter as discussed above. In addition, Hirose further discloses a reception apparatus wherein the reception means receives (a) the predetermined unit of scrambled content (Col. 3, Lines 2-14, Hirose) and the storage means sequentially stores the received content, (Col. 3, Lines 34-38, Hirose) wherein the descramble processing means includes: scrambled content extraction means for, when performing particular reproduction processes, extracting the predetermined unit of scrambled content and I picture information from one of the TS packets stored in the storage means; (Col. 10, Lines 43-

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45, Hirose) descrambling key extraction means for extracting a descrambling key from the List of descrambling keys, only when the extracted predetermined unit of scrambled content consists of a portion of an I picture/an I picture; (Col. 3, Lines 40-43, Hirose) and descrambling means for descrambling the extracted predetermined unit of scrambled content using the extracted descrambling key. (Col. 10, Lines 43-45)

In addition Morinaga et al. further disclose receiving and storing a transport stream packet (TS) packet. (Col. 4, Lines 13-31, Morinaga)

Neither of the references explicitly disclose unscrambled I picture information, wherein the I picture information indicates whether the TS packet corresponding to the information consists of a portion of an I picture/an I picture or not; and I picture judgment means for judging whether the extracted predetermined unit of scrambled content consists of a portion of an I picture/an I picture or not, based on the extracted I picture information.

Ando et al. in analogous art, however, discloses a system to manage digital TV broadcast data that uses a signal or radio wave that is segmented into a plurality of sets of TS packets to locate an I-picture at the head of each set. The I-picture is always located at the head, the I-picture address need not be

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described, and only the I-picture end address can be described.

(Page 7, paragraphs 157 and 159; Figure 11) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Hirose, Akiyama and Morinaga et al. to include unscrambled I picture information, wherein the I picture information indicates whether the TS packet corresponding to the information consists of a portion of an I picture/an I picture or not; and I picture judgment means for judging whether the extracted predetermined unit of scrambled content consists of a portion of an I picture/an I picture or not, based on the extracted I picture information. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Ando et al. (Page 1, paragraph 21) in order to provide a system that can efficiently record a transport packet in a streamer which uses media capable of random access.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hogan (US 20010018741), Adams (US 5640456) and Spanos teach methods of encryption only portions of a file.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael

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Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

  
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